

EXHIBIT I

TAMZEN WOOD MACBETH, 10-30-08

Page 1

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his)
capacity as ATTORNEY GENERAL)
OF THE STATE OF OKLAHOMA and)
OKLAHOMA SECRETARY OF THE)
ENVIRONMENT C. MILES TOLBERT,)
in his capacity as the)
TRUSTEE FOR NATURAL RESOURCES)
FOR THE STATE OF OKLAHOMA,)
Plaintiff,)
vs.) 4:05-CV-00329-TCK-SAJ
TYSON FOODS, INC., et al,)
Defendants.)

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THE DEPOSITION OF TAMZEN WOOD MACBETH,
produced as a witness on behalf of the Defendants in
the above styled and numbered cause, taken on the 30th
day of October, 2008, in the City of Tulsa, County of
Tulsa, State of Oklahoma, before me, Marlene Percefull,
a Certified Shorthand Reporter, duly certified under
and by virtue of the laws of the State of Oklahoma.

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TAMZEN WOOD MACBETH, 10-30-08

Page 44

1 A We have essentially just a preliminary idea of 9:22AM
2 what they thought they had detections on and not, so
3 they haven't quantified them as far as we're concerned
4 as we know. And like I said, until we see the final
5 result, all I know is kind of a verbal that they 9:22AM
6 thought things look good, so I can't really say until I
7 see the --

8 Q Fair enough. Fair enough. I don't want you to
9 speak prematurely. Other than the work the reference
10 lab is doing, is North Wind actively involved in any 9:22AM
11 work for this case right now?

12 A No.

13 Q You're not doing any more testing?

14 A No.

15 Q Is there any plan to do any more testing? 9:23AM

16 A Not that I'm aware of.

17 Q You submitted a manuscript to a journal?

18 A Yes.

19 Q Is there any preparation going on of any
20 additional manuscripts? 9:23AM

21 A We are -- we have received comments back from that
22 first manuscript. We are responding to those comments
23 and resubmitting that manuscript.

24 Q What form do comments come back in?

25 A Generally written comments. 9:23AM

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TAMZEN WOOD MACBETH, 10-30-08

Page 45

1 Q Do you receive written comments back from the -- 9:23AM
2 sorry. I'm totally unfamiliar with the academic
3 process. I'll try and ask an intelligent question
4 here.

5 Articles that you submit for publication 9:23AM
6 are peer reviewed, correct?

7 A Correct.

8 Q Do the comments come back from the peer reviewers?

9 A No. You submit the article to an editor. That
10 editor then selects peer reviewer. They are blind to 9:24AM
11 you. You don't know who they are. They provide
12 written comments to the editor and the editor sends
13 those comments to you.

14 Q So the comments come back blind?

15 A Yes. 9:24AM

16 Q Okay. What kind of comments have you received on
17 the manuscript?

18 A Generally there were some comments about needing
19 to expand. We only provided a subset of the data, the
20 actual field data in this first paper, and the general 9:24AM
21 comment was they wanted us to expand the data that we
22 provided or provide more data in terms of actual field
23 application of the marker. That was the majority of
24 comments that we received.

25 Q Okay. And have you responded back yet? 9:25AM

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TAMZEN WOOD MACBETH, 10-30-08

Page 46

1 A Yes. Well, I don't know if it's actually been 9:25AM

2 received or -- because Jody is the point of contact for

3 the paper, so everything goes to her. It goes through

4 her, she submits it.

5 Q And will you simply respond to the comments or is 9:25AM

6 the lab to submit another draft of the article?

7 A You revise the article to address the comments.

8 Q Okay. And so when Professor Harwood responds,

9 she'll submit a new draft?

10 A Correct. 9:25AM

11 Q Has that -- that's been prepared?

12 A I'm not sure the state of it yet. It is being

13 worked on. I'm not sure if it's been complete. It has

14 been given to Dr. Harwood.

15 Q Okay. Other than the manuscript, are you working 9:25AM

16 on anything else in the way of publication to do with

17 this case?

18 A Not at this time.

19 Q Okay. Have you done any poster presentations

20 regarding this case? 9:26AM

21 A Yes, I presented a poster at the American Society

22 of Microbiology conference in June of 2008 on the

23 development of the marker.

24 Q Okay. Any other presentations in the works?

25 A No. 9:26AM

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TAMZEN WOOD MACBETH, 10-30-08

Page 221

1 A Yes.

3:27PM

2 Q -- that weren't included on those reports? Now,
3 we talked earlier about the reference lab of Mike
4 Sedowski. Let me go back to that a little bit. Whose
5 idea was it to retain a reference lab?

3:27PM

6 A Jody Harwood.

7 Q Was it her idea to hire -- specifically to hire
8 Mike Sedowski?

9 A Yes.

10 Q Do you know why she selected him?

3:27PM

11 A I do not.

12 Q Did you have any involvement in the selection
13 process?

14 A I did not.

15 Q Do you know whether there was any discussion of
16 any other labs about being a reference lab?

3:27PM

17 A I do not.

18 Q What is the purpose of a reference lab in a
19 context such as this?

20 A To independently verify the methods.

3:27PM

21 Q When you say "independent," what makes it
22 independent?

23 A That somebody else can run the particular assay
24 and -- with, you know, no bias or, you know, having not
25 been involved and independently reproduce results.

3:28PM

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TAMZEN WOOD MACBETH, 10-30-08

Page 222

1 Q Is it important for the reference lab to not have 3:28PM
2 contact directly with the lab that did the work in the
3 first instance?

4 A Not necessarily. With some of these assays, in
5 order for it to be -- the thing with molecular biology 3:28PM
6 is you have to ensure that things are done in exactly
7 the same way or you will see variability.

8 Q Okay. And so long as -- is what you're saying
9 that so long as the reference lab does things the same
10 thing and thereby confirms the process, it doesn't 3:28PM
11 matter whether they talk to the primary lab?

12 A Right.

13 Q Okay. In this case, has your lab had contact with
14 the reference lab?

15 A Yes. 3:29PM

16 Q Do you -- what type of contacts have you had?

17 A We have -- so the reference lab initially got our
18 protocol. They had some different instrumentation than
19 we had and so they've essentially had to optimize the
20 PCR protocol for their particular instrumentation. 3:29PM

21 Q And so they contacted you to do that?

22 A Contacted Jody with questions primarily and then
23 Jody contacts us.

24 Q Okay. After Jody contacts you, does it all go
25 through Jody or is it a direct contact? 3:29PM

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TAMZEN WOOD MACBETH, 10-30-08

Page 223

1 A We have had periodic direct contact with them in 3:29PM
2 conference calls and this is when they had specific
3 questions that Jody thought it would be easier for us
4 to all discuss directly.

5 Q Okay. Do you recall the subject matter of any of 3:29PM
6 those conference calls?

7 A Yes.

8 Q What did you discuss?

9 A We discussed things like differences in
10 instrumentation they were using, considerations in the 3:30PM
11 qPCR protocol, having to optimize things like, you
12 know, annealing temperature, different run times. And
13 I'm trying to think all the -- also, they ran out of
14 samples that we sent them so we had to send them more
15 samples. And they were -- there were some exchanges 3:30PM
16 back and forth about what additional samples they
17 needed. Mostly those kinds of things.

18 Q Okay. You indicated earlier that you've had some
19 preliminary feedback --

20 A Yes. 3:30PM

21 Q -- from the reference lab. Have you been given a
22 report on any of their sample testing?

23 A I have not gotten like a formal report, no.

24 Q Okay. Have you seen some of the data that they
25 generated? 3:31PM

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